

Dr. Tom Hawk 2600 Woodhaven Ct. Manhattan, KS 66502 Phone 785-537-8000

Date: March 13, 2023

Bill/Topic: SB13/Allowing local broadcasting of high school sporting events

Proponent/Written Only Testimony

Chairperson Adam Thomas, Vice-Chairperson Susan Estes, Ranking Member Jerry Stogsdill, and House Members of the Education Committee:

It is with regret that I am unable to attend this hearing on SB13 in person, but do submit my written testimony below that was given during the Senate Education Committee hearing on January 23, 2023. My reasons remain the same as in that hearing in that we should allow local broadcasters and community supporters to offer their services at away events and post season tournaments and not allow out-of-state companies to prevent that from happening with exclusive contracts.

Senate Testimony on January 23, 2023:

Chairperson Baumgardner, Vice Chair Erickson, and Ranking Member and Leader Sykes. Thank you for the opportunity to give testimony on SB13 sponsored by Senator Billinger and myself. The main purpose of this bill is remove the barrier of exclusive contracts facilitated by the Kansas High School Activities Association which prevents local broadcasters from continuing to offer their services when their local schools attend post season events. I have recently become aware that this contract has been interpreted by some schools to also pertain to regular season events. Should that be the case, I would hope an appropriate amendment could remove that barrier.

You may be asking, why would I be involved in this issue that originally came to the attention of our western Kansas legislators. My brother, a few years back, came down with leukemia and had a stem cell transplant. It was a long struggle, but I can report he is doing well now. During that time, he wanted to stay up to date as a fan of Colby High School sporting events. He suggested to his friend covering those events that he use the newer technology and video stream and not just do audio broadcasts. That way he could see the events and also get some color commentary since the company, Open Spaces Sports, knew the athletes and followed the local seasons. Open Spaces Sports did indeed go to the video and color commentary delivery format, not charging a viewer fee, but instead using the radio broadcast model of finding advertisers.

The rub seemed to come when the Kansas High School Activities Association entered into a contact with NFHS Network Sports (National Federation of High School Sports) to do video streaming of post season and championship events and that was an exclusive contract. It meant that local broadcasters who had provided this service all year during the regular season could not do video of these events when the local team reached post season play. As I understand it, the local broadcasters originally could bid on the post season and championship events and pay a fee. I am not clear if that is still the case.

My major concern is with the **exclusive contract** of the out of state company, NFHS Network Sports and that it prevents the local broadcasters from continuing to offer their service to the local schools when they enter post season play. It has recently evolved into preventing the local broadcasters from video streaming on regular season away events if the hosting school has a contract with NFHS Network Sports.

The same situation occurred in Oklahoma and they passed a bill that prevents the contract from excluding local broadcasters who have provided this service to their local schools. I asked the Reviser to draft a similar bill for Kansas and learned that, while the State Board of Education has some oversight of KSHSAA, it is the legislature that created the organization and has some statutory authority. I did call the Executive Director to let him know I was doing a bill and was hopeful that KSHSAA might fix this issue internally. Unfortunately, with my retirement this seemed the only avenue available to right what seems an unfair advantage to an out-of-state company and a service that does not provide the customized broadcasting, without a monthly subscription, that is provided in many places.

As I have visited with the local broadcaster, the major issue is **not having KSHSAA provide this service** for school districts, the **issue is the exclusion of the local Kansas broadcasters** with the NFHS Network Sports contracts thru KSHSAA. These local Kansas broadcasters follow the teams thru the regular season, provide an excellent service, and are then not allowed to provide this service to their "local viewers" for post season or out of town events. This seems simply not fair to me.

I do think an amendment is needed for this bill to address the out of town events. As currently written, without amendment, SB13 does attempt to fix this problem of post season play and provides a level playing field for our Kansas local businesses. Thank you for the opportunity to share my western Kansas point of view, a point of view that does affect all schools in Kansas.

Below is an email I received last week from a parent about this issue:

"Good morning, my name is Dustin Bell. I live in Hoxie, Kansas where my wife and I raise our 8 children. We are a blended family. (I have 3 boys and 1 girl, my wife has 3 girls and 1 boy.) We are the modern day Brady Bunch! We love Kansas and the opportunities that we've had not only growing up in western Kansas but raising our family here as well. I work for Taylor Implement Company in sales and my wife is an RN at the local hospital. All of our children are involved in sports and know the benefits of competing. I have a son that is a 3 time state champ in wrestling and is now wrestling for Fort Hays State, my 2 other sons are doing very well in the program at Hoxie as well. My daughter is a KS Kids State wrestling champ as well. We are also very involved with football and volleyball as well. I'm reaching out to you today to express our concerns and disappointment in the fact that we have not been allowed to watch our kids sporting events due to NFHS not allowing other broadcasters to represent our kids. Open Spaces Sports is a local broadcasting business that goes to all of our kids high school athletic events and knows all of our kids personally. Open Spaces broadcasts our kids with unmatched excitement and statistics that really represents our community well. Our local businesses pay for sponsorships that then allows anybody who wants to watch the broadcast, live, to do so at no charge. This is such a huge benefit to not only us parents that can not be everywhere at once, but also to our family and friends who cant be there to watch. Many elderly fans in the area rely on Open Spaces to get to watch these student athletes that we love so much. One example of our frustration is a wrestling tournament in Dodge City two weeks ago. NFHS actually had a contract with the school to broadcast. They were not

present to do so. Our broadcasters were there and were still not allowed to show video, due to NFHS. Please support us to get the necessary changes implemented so these kids can be supported and enjoyed by all of us that love them. As a resident, tax payer, and advocate of Kansas, I appreciate all you do. Thank you.”